



City of NORFOLK

C: Dir., General Services

To the Honorable Council
City of Norfolk, Virginia

January 13, 2015

From: David S. Freeman, AICP
Director of General Services

Subject: Ordinance to approve a
Right of Entry Agreement with 757
Angels, Inc. for property located at
240 East Main Street

Reviewed:

Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: Ward 2

Approved:

Marcus D. Jones, City Manager

Item Number:

R-1

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** 757 Angels, Inc.

III. **Description:**

This agenda item is an ordinance to approve a Right of Entry Agreement with 757 Angels, Inc. on property of the City of Norfolk located at 240 East Main Street, Norfolk, VA 23510.

IV. **Analysis**

757 Angels, Inc. seeks to begin operation of this new entity at 240 East Main Street designed to provide investment capital to start-up enterprises across the region as quickly as possible. The City of Norfolk desires to accelerate the creation of a richer entrepreneurial ecosystem in the region as it supports the City's priority of establishing Economic Vitality and Workforce Development – Norfolk Strives to be a growing, competitive and diversified economy that enhances the quality of life for residents through a wide range of housing, educational, cultural, shopping, business and employment opportunities. A Right of Entry agreement will allow both parties to move forward with their desired goals. This approval will allow right of entry immediately after ordinance adoption and prior to activation of lease.

V. Financial Impact

There is no additional cost associated with this agreement.

VI. Environmental

There are no known environmental issues associated with this agreement.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This request has been coordinated with the Departments of General Services and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Right of Entry Agreement

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By

DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING A RIGHT OF ENTRY AGREEMENT
WITH 757 ANGELS, INC., FOR PROPERTY AT 240 EAST MAIN
STREET, NORFOLK.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Right of Entry Agreement between the City and 757 Angels, Inc., a copy of which is attached as Exhibit A, whereby the City grants to 757 Angels, Inc. the right to enter upon and use certain property at 240 East Main Street, Norfolk, is hereby approved.

Section 2:- That the City Manager and other proper officers of the City are authorized to execute the Right of Entry Agreement on behalf of the City and to do all things necessary and proper to carry out its terms.

Section 3:- That the City Manager is further authorized to correct, amend or revise the Right of Entry Agreement as he may deem advisable in order to carry out the intent of the Council.

Section 4:- That this ordinance shall be in effect from and after its adoption.

THIS RIGHT OF ENTRY AGREEMENT, made this _____ day of January, 2015, by and between the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia ("City"), Grantor, and **757 ANGELS, INC.**, ("757") Grantee.

WITNESSETH:

WHEREAS, the City owns certain property known as 240 East Main Street, Norfolk, Virginia, which property is shown on Exhibit A, attached hereto ("Property"); and

WHEREAS, the City and 757 are in the process of handling the lease to 757 of the Property beginning March 1, 2015; and

WHEREAS, the City is willing to permit 757 to enter upon the Property upon the terms and conditions set forth herein in anticipation of the effective date of the lease described above.

NOW, THEREFORE, the City hereby grants to 757 the right to enter upon and to occupy the Property upon the following terms and conditions:

1. 757 shall be permitted to enter upon and to occupy the Property from the effective date of the ordinance approving this Right of Entry Agreement until the commencement of the Lease Agreement on March 1, 2015. If the parties do not execute a Lease Agreement, after reasonable efforts to do so, then 757 shall vacate the Property, at its own cost and expense, unless this Right of Entry Agreement is extended in writing by the parties hereto.
2. The City shall have access to the Property at all times during the Right of Entry period.

3. Any costs associated with violations of the law, including, but not limited to, remediations, clean up costs, fines, administrative or civil penalties or charges, and third party claims imposed on the City by any regulatory agency or by any third party as a result of the non-compliance with federal, state or local environmental laws and regulations or nuisance statutes by 757, or by subcontractors, consultants, sub-consultants, or any other persons, corporations or legal entities retained by 757 for this Agreement, shall be paid by 757.
4. 757 shall secure and maintain, and will require each subcontractor engaged by 757 to secure and maintain, and keep in full force and effect at all times during the period of this Agreement, a commercial general liability insurance policy, including contractual liability and products and completed operations liability coverages, in an amount not less than \$1,000,000.00 combined single limits. Such insurance shall name the City as additional insured, shall be issued by an insurance company licensed to conduct business in the Commonwealth of Virginia, shall be acceptable to the City and shall carry the provisions that the insurance will not be canceled or materially modified without 30-days prior written notice to the City.

5. This Right of Entry Agreement shall not be assigned by 757
to any other party or entity.

WITNESS the following signatures and seals:

CITY OF NORFOLK

By: _____
City Manager

ATTEST:

City Clerk

757 ANGELS, INC.

By: _____

Title: _____

APPROVED AS TO CONTENTS:

Executive Department

APPROVED AS TO FORM
AND CORRECTNESS:

Mary L. G. Nexsen
Deputy City Attorney